

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Crl.Rev.Pet.No. 3607 of 2007()

**CC.859/96 OF JFCM, ADOOR
CRA.64/03 OF ADDL.SESIONS COURT, PATHANAMTHITTA**

REVN. PETITIONER: APPELLANT/ACCUSED

**VIKRAMAN, S/O. SUKUMARA PILLAI,
PRADEEP BHAVAN, ARUKALIKKAL EAST MURI,
EZHAMKULAM VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.C.B.SREEKUMAR

RESPONDENTS: RESPONDENT/COMPLAINANT

**STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, ADOOR POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

V. RAMKUMAR, J.

Crl. R.P. No. 3607 OF 2007

Dated this the 8th day of October, 2007

O R D E R

Revision petitioner, who was the accused in C.C.No.859/96 on the file of JFCM, Adoor, for offences punishable under sections 326 and 447 IPC, challenges the conviction entered and the sentence passed against him by the courts below for offences punishable under sections 324 and 447 IPC.

2. I heard the learned counsel appearing for the revision petitioner and the learned Public Prosecutor.

3. The case of the prosecution as proved through PWs 1, 3, 4 and 5 is the following:-

The accused along with his family members called PW4 obscene words and picked up a quarrel with him who is a neighbour. Seeing this, when PW1 intervened at about 5 p.m. on 24.12.95, the accused out of his enmity towards PW1 criminally trespassed upon his property situated in Ward No.X of Ezhamkulam Panchayat in Arukalickal East muri of Ezhamkulam village and voluntarily caused hurt to PW1 by stabbing him with a dagger on the muscle of his left hand and on the left axillary region and thereby committed offences punishable under sections 447

and 326 IPC.

4. The trial court convicted the accused for offences punishable under sections 324 and 447 IPC. For the conviction under section 324 IPC, he was sentenced to rigorous imprisonment for six months. For the conviction under section 447 IPC he was sentenced to a fine of Rs.500/- and on default to pay the fine, to suffer simple imprisonment for ten days.

5. Eventhough the learned counsel appearing for the revision petitioner assailed the conviction entered against him, in as much as the conviction has been recorded by the courts below after a careful evaluation of the oral and documentary evidence in the case, I see little scope of interference by this court sitting in revision. Hence, the conviction is hereby confirmed.

6. What now survives for consideration is the question regarding the adequacy or otherwise of the sentence imposed on the revision petitioner. Having regard to the fact that the occurrence took place at the spur of the moment without any pre-meditation also having regard to the injuries sustained by PW1 as revealed by Ext.P5 wound certificate and the other circumstances of the case, I do not think that the revision petitioner deserves

penal servitude by way of incarceration. I am of the view that an appropriate direction to suffer imprisonment till the rising of the court and compensation will meet the ends of justice. Accordingly, for his conviction under sections 447 and 324 IPC, the revision petitioner is sentenced to undergo imprisonment till the rising of the court. For the conviction under section 324 IPC, he shall also pay a compensation of Rs.10,000/-(Rupees ten thousand only) to PW1 under section 357(3) Cr.P.C. On failure to pay the compensation, the revision petitioner shall suffer simple imprisonment for one month. For the conviction under section 447 IPC, he shall also pay a fine of Rs.500/-(Rupees five hundred only) and on default to pay the fine, he shall suffer simple imprisonment for ten days. The fine as well as compensation amount shall be deposited before the court below within 45 days from today.

This revision petition is disposed of confirming the conviction but modifying the sentence as above.

(V. RAMKUMAR, JUDGE)

aks